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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/659,653	09/12/2000	Paul Henry Fuoss	IDS 1999-0541	6961

7590

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EXAMINER

YUN, EUGENE

ART UNIT

PAPER NUMBER

2682

DATE MAILED: 07/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/659,653

Applicant(s)

FUOSS ET AL.

Examiner

Eugene Yun

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other:

**DETAILED ACTION**

***Drawings***

1. This application lacks formal drawings. The informal drawings filed in this application are acceptable for examination purposes.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6, 9, 11, 12, 14-16, and 19-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Blakeslee (GB 2308523).

Referring to Claim 1, Blakeslee teaches a method of electronic communications comprising the steps of:

creating a handwritten message image on a touch screen display of a mobile electronic communication device (see line 3 of ABSTRACT);

transmitting said handwritten message image to an electronic message address associated with another electronic communication device (see pg. 2, lines 21-31); and

displaying said handwritten message image in handwritten form on said another communication device (see pg. 2, lines 18-21).

Referring to Claim 15, Blakeslee teaches an apparatus, comprising:

a mobile communication device 10 (MS-A) (fig. 3) including a touch screen display 12 (fig. 3) and operative to create and send a handwritten message image in handwritten form to another communication device such that it is displayed in said handwritten form (see lines 3-6 of ABSTRACT).

Referring to Claim 19, Blakeslee teaches a method of electronic communications comprising the steps of:

creating a handwritten message image of a touch screen display coupled to a personal computer (see pg. 13, lines 4-6);

transmitting said handwritten message image to an electronic message address associated with another electronic communication device (see pg. 2, lines 21-31); and

displaying said handwritten message image in handwritten form on said another communication device (see pg. 2, lines 18-21).

Referring to Claim 24, Blakeslee teaches a mobile electronic communication device, comprising:

a touch screen 12 (fig. 3);

a processor coupled to said touch screen (see pg. 13, lines 29-32); and

means for creating and transmitting a handwritten message such that a receiving electronic communication device can display said handwritten message in handwritten form (see lines 3-6 of ABSTRACT).

Referring to Claims 2 and 20, Blakeslee also teaches storing a file of said transmitted handwritten image on a server (see 52 of fig. 5).

Referring to Claims 5 and 16, Blakeslee also teaches said mobile electronic communication device as a handheld communication device (see fig. 1A).

Referring to Claim 6, Blakeslee also teaches a wireless telephone (see fig. 1A).

Referring to Claim 9, Blakeslee also teaches a two way pager (see fig. 3).

Referring to Claim 11, Blakeslee also teaches creating said handwritten message in reply to a previously received message (see "Reply" in fig. 1A).

Referring to Claim 12, Blakeslee also teaches creating another handwritten message image with said another communication device (see fig. 2).

Referring to Claim 22, Blakeslee also teaches a portable personal computer 30 (fig. 3).

Referring to Claims 14 and 23, Blakeslee also teaches wireless communications for transmitting said handwritten message image (see wireless connection between 30 and 10(MS-A) in fig. 3).

Referring to Claims 3, 4, and 21, Blakeslee also teaches sizing said handwritten message image to a different size appropriate for a display size of said another communication device (see last 3 lines of ABSTRACT).

4. Claim 25-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Cobbley et al. (US 5,546,538 "cited in IDS").

Referring to Claim 25, Cobbley teaches a method comprising the step of creating and transmitting an electronic mail message in hand written form using a touch screen (see col. 3, lines 26-28 and lines 40-43).

Referring to Claim 26, Cobbley also teaches said electronic mail message created using a first type of electronic communication device (see col. 3, lines 26-28) and said electronic mail message device received by a second type of electronic communication device (see col. 3, lines 40-43).

Referring to Claim 27, Cobbley also teaches said first type of electronic communication device is a mobile touch screen (see fig. 1).

Referring to Claim 28, Cobbley also teaches said second type of electronic communication device is selected from the group consisting of a mobile touch screen, a personal digital assistant, a two-way pager, a mobile telephone, and a personal computer including a touch screen (see col. 3, lines 40-43 noting that the device can be any device that receives email).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7, 8, 10, 13, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blakeslee in view of Cobbley.

Referring to Claims 7 and 17, Blakeslee does not teach a personal digital assistant. Cobbley teaches a personal digital assistant (see fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made

to provide the teachings of Cobbley to said device of Blakeslee in order to increase the size of the display on a mobile device for which a hand written message can be made and transmitted/received.

Referring to Claims 8 and 18, Cobbley also teaches a Palm Handheld Computer (see fig. 1 where most hand-held devices by Palm look similar to the device shown in fig. 1).

Referring to Claim 10, Cobbley also teaches creating a typewritten message 21 (fig. 1) with said handwritten message image 23 (fig. 1).

Referring to Claim 13, Cobbley also teaches said handwritten message transmitted via a communication network in an electronic mail format (see col. 3, lines 40-43).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Yun whose telephone number is (703) 305-2689. The examiner can normally be reached on 8:30am-5:30pm Alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (703) 308-6739. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

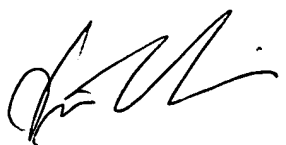
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

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Eugene Yun  
Examiner  
Art Unit 2682

EY  
June 30, 2003



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6/30/03